

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Thomas Henry Frazier, II

Docket No. 7:04-CR-75-1BO

Petition for Action on Supervised Release

COMES NOW Dwayne K. Benfield, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Thomas Henry Frazier, II, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With the Intent to Distribute More Than 500 Grams of Cocaine and 3,4-Methylenedioxymethamphetamine (Ecstasy), in violation of 21 U.S.C. §§ 846 and 841(a)(1) was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on November 10, 2004, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 5 years under the standard conditions adopted by the court and the following additional condition:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Thomas Henry Frazier, II was released from custody on January 24, 2012, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On May 24, 2014, the defendant was charged with misdemeanor Breaking and Entering, Second Degree Trespassing, and Injury to Real Property in Pender County, North Carolina. The defendant is accused of breaking and entering the apartment of Megan Bodemuller located in Hampstead, North Carolina, and damaging the apartment door frame. On May 29, 2014, the defendant informed the probation officer that he, Megan Bodemuller, and two other friends drove to Wilmington, North Carolina. While in downtown Wilmington, the defendant and his companions consumed alcohol while visiting several bars. The defendant reports that Bodemuller unexpectedly departed in her vehicle and left him stranded in Wilmington. The defendant admits he was angry about being stranded and, upon his return to Hampstead via taxi, he forced his way into Bodemuller's apartment. The forcible entry resulted in minor property damage. The case remains pending in Pender County District Court.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
2. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer
201 South Evans Street, Room 214
Greenville, NC 27858-1137
Phone: 252-758-7200
Executed On: June 9, 2014

ORDER OF COURT

Considered and ordered this 12 day of June, 2014, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge